

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re	:	Chapter 11
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PURDUE PHARMA L.P., <i>et al.</i> ,	:	Case No. 19-23649 (RDD)
	:	
Debtors.	:	Jointly Administered
	:	
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**SUPPLEMENTAL DESIGNATION OF RECORD IN REBUTTAL AND SUPPORT OF
SECOND AMENDED MEMORANDUM OF LAW IN SUPPORT OF UNITED STATES
TRUSTEE’S AMENDED EXPEDITED MOTION FOR A STAY OF CONFIRMATION
ORDER AND RELATED ORDERS PENDING APPEAL PURSUANT TO
FEDERAL RULE OF BANKRUPTCY PROCEDURE 8007 [ECF NO. 3972]**

William K. Harrington, the United States Trustee for Region 2, hereby designates the following supplemental items to be included in support of the Second Amended Memorandum of Law in Support of United States Trustee’s Amended Expedited Motion for a Stay of Confirmation Order and Related Orders Pending Appeal Pursuant to Federal Rule of Bankruptcy Procedure 8007 [ECF No. 3972] (the “Second Amended Stay Motion”), in addition to those items previously designated in his Designation of Record in Support of Amended Memorandum of Law in Support of the Amended Stay Motion [ECF No. 3918] (the “Initial Designation”), and as rebuttal to the arguments made in opposition to the Second Amended Stay Motion.

1. Fifteenth Amended Order signed on 3/1/2021 Pursuant to 11 U.S.C. § 105(a) Granting Motion for Preliminary Injunction,¹ Adv. Proc. No. 19-08289, ECF No. 224.²

¹ This Court may take judicial notice of the documents listed here and in the Initial Designation that were filed in this case and the related adversary proceeding No. 19-08289. *See* Fed. R. Evid. 201(d); *Shuttlesworth v. City of Birmingham*, 394 U.S. 147, 157 (1969); *United States ex rel. Wood v. Allergan, Inc.*, 899 F.3d 163, 169 n.5 (2d Cir. 2018); *Rothman v. Gregor*, 220 F.3d 81, 91-92 (2d Cir. 2000); *O’Connor v. Nat’l Grange Mut. Ins. Co.*, No. 09-cv-463, 2011 WL 4594292, at *3 (E.D.N.Y. Sept. 30, 2011); *Schenk v. Citibank/Citigroup/Citicorp*, No. 10 Civ. 5056, 2010 WL 5094360, at *2 (S.D.N.Y. Dec. 9, 2010).

² The Initial Designation included the incorrect document number for this item.

2. Notice of Filing of Proposed Twenty-Second Amended Preliminary Injunction Order, Adv. Proc. No. 19-08289, ECF No. 290.
3. Twenty-Second Amended Order signed on 9/21/2021 Pursuant to 11 U.S.C. § 105(a) Granting Motion for a Preliminary Injunction, Adv. Proc. No. 19-08289, ECF No. 291.
4. Letter from Kimberly Krawczyk, ECF No. 443.
5. Letter to Committee Members from Maria Ecke, ECF No. 2210.
6. Objection to Disclosure Statement of Purdue Pharma LP and its Affiliated Debtors, ECF No. 2686.
7. Letter Re: Legal Mail from Prime Clerk Marked Contraband filed by Thomas Hickey, ECF No. 3099.
8. Objection to Restructing (sic) of Purdue Pharma L.P. ET ALL (sic) filed by Maria Ecke, ECF No. 3357.
9. Objection to Restructuring of Purdue Pharma L.P. ET All (sic) filed by Maria Ecke, ECF No. 3575.
10. Notice of Filing of Seventeenth Plan Supplement Pursuant to the Eleventh Amended Joint Chapter 11 Plan of Reorganization of Purdue Pharma L.P. and its Affiliated Debtors, ECF No. 3711.
11. Notice of Appeal filed by Matthew J. Gold on behalf of State of Washington, ECF No. 3724.
12. Notice of Appeal filed by Matthew J. Gold on behalf of District of Columbia, ECF No. 3725.
13. So Ordered Stipulation Signed on 9/3/2021 Tolling Shareholder Released Claims, ECF No. 3732.
14. Notice of Appeal filed by Allen J. Underwood on behalf of Certain Canadian Municipalities, ECF No. 3774.
15. Notice of Appeal filed by Allen J. Underwood on behalf of Certain Canadian First Nation and Metis People, ECF No. 3775.
16. Notice of Appeal of Confirmation Order filed by Brian Edmunds on behalf of State of Maryland, ECF No. 3780.
17. Notice of Appeal filed by Irve J. Goldman on behalf of State of Connecticut, ECF No. 3784.
18. Notice of Appeal filed by Ronald Bass Sr., ECF No. 3810.

19. Amended Notice of Appeal filed by Matthew J. Gold on behalf of State of Washington, ECF No. 3812.
20. Notice of Appeal filed by Bernard Ardavan Eskandari on behalf of People of the State of California, ECF No. 3813.
21. Amended Notice of Appeal filed by Irve J. Goldman on behalf of State of Connecticut, ECF No. 3818.
22. Notice of Appeal filed by Neil Francis Xavier Kelly on behalf of State of Rhode Island and Providence Plantations, ECF No. 3832.
23. Amended Notice of Appeal of the State of Maryland to Confirmation Orders and All Merged and Related Orders filed by Brian Edmunds on behalf of State of Maryland, ECF No. 3839.
24. Notice of Appeal filed by Jill Abrams on behalf of State of Vermont, ECF No. 3849.
25. Notice of Appeal filed by Marion Quirk on behalf of State of Delaware, ECF No. 3851.
26. Notice of Appeal of the State of Oregon filed by Matthew J. Gold on behalf of State of Oregon, ECF No. 3853.
27. 5/26/21 Tr.
28. 8/13/21 Tr. (testimony of Jesse DelConte).
29. 8/17/21 Tr. (testimony of David Sackler).
30. 8/19/21 Tr. (testimony of Mortimer Sackler).
31. 9/30/21 Tr.
32. 10/14/21 Tr.

The United States Trustee also asks the Court to take judicial notice of the following documents filed in federal courts, in support of the Second Amended Stay Motion and as rebuttal to the arguments made in opposition to the Second Amended Stay Motion.³ *See supra* n.1.

1. *Hartman v. Sackler*, No. 21-02001, ECF No. 1 (E.D. Pa. filed Apr. 30, 2021).
2. *Hartman v. Sackler*, No. 21-02001, ECF No. 6 (E.D. Pa. filed Aug. 30, 2021).

³ The District Court has taken judicial notice of these documents in the consolidated appeals. *See* Case No. 7:21-cv-07532-CM, ECF No. 104.

3. *Heden v. Johnson & Johnson*, No. 19-00586, ECF No. 7-1 (D.R.I. filed Nov. 12, 2019).
4. *Hickey v. Purdue Pharma, et al.*, No. 19-11806, ECF No. 1 (D. Mass. filed Aug. 22, 2019).
5. *Map to Health v. AmerisourceBergen Drug Corp.*, No. 21-45093, ECF No. 1 (N.D. Ohio filed July 15, 2021).
6. *Mercy House Teen Challenge v. AmerisourceBergen Drug Corp.*, No. 18-46070, ECF No. 27 (N.D. Ohio filed Mar. 15, 2019).
7. *Rhodes v. Rhodes Techs., Inc.*, No. 19-cv-00885, ECF No. 1 (M.D. Tenn. filed Oct. 5, 2019).
8. *Tilley v. Purdue Pharma L.P.*, No. 19-00566, ECF No. 1 (S.D. W. Va. filed Aug. 2, 2019).

Dated: New York, New York
October 29, 2021

Respectfully submitted,

WILLIAM K. HARRINGTON
UNITED STATES TRUSTEE, Region 2

By: /s/
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